

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff

v.

PHASE 2 INVESTMENTS INC. f/k/a
MARITIME AUTOWASH, INC. AND
MARITIME AUTOWASH, II,

and

CWP WEST CORP. T/A MISTER CAR
WASH,

Defendants

Civil Action No. JKB-17-2463

**DEFENDANT CWP WEST CORP. T/A MISTER CAR WASH'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT OR, ALTERNATIVELY,
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rules 12(b)(1) and 12(b)(6) or, alternatively, 56(a) of the Federal Rules of Civil Procedure and Local Civil Rule 105, Defendant CWP West Corp. T/A Mister Car Wash (“Mister Car Wash”) respectfully submits this motion to dismiss, or, alternatively, motion for summary judgment on Plaintiff U.S. Equal Employment Opportunity Commission’s (“EEOC” or “Commission”) claims against it. The EEOC’s First Amended Complaint should be dismissed because the EEOC lacks standing to sue Mister Car Wash and because the individuals on whose behalf the EEOC sues failed to exhaust their administrative remedies. If the court determines it has jurisdiction over the EEOC’s claims, the claims should be dismissed because they fail to state a claim on which relief may be granted or, alternatively, summary judgment should be granted in Mister Car Wash’s favor because there is no basis for imposing successor liability upon Mister Car Wash. For the reasons set forth in Mister Car Wash’s supporting memorandum

of points and authorities filed contemporaneously with this motion, Mister Car Wash respectfully requests that the court grant its motion and dismiss the EEOC's First Amended Complaint in its entirety as to Mister Car Wash, with prejudice. A proposed order granting the relief sought in this motion is attached.

Dated: November 27, 2017

Respectfully submitted,

/s/ Kevin M. Kraham

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